

109TH CONGRESS
1ST SESSION

S. 959

AN ACT

To establish the Star-Spangled Banner and War of 1812
Bicentennial Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Star-Spangled Banner
5 and War of 1812 Bicentennial Commission Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the War of 1812 served as a crucial test for
4 the United States Constitution and the newly estab-
5 lished democratic Government;

6 (2) vast regions of the new multi-party democ-
7 racy, including the Chesapeake Bay, the Gulf of
8 Mexico and the Niagara Frontier, were affected by
9 the War of 1812;

10 (3) the British occupation of American territory
11 along the Great Lakes had a far-reaching effect on
12 American society;

13 (4) at the Battle of Baltimore, Francis Scott
14 Key wrote the poem that celebrated the flag and
15 later was titled “the Star-Spangled Banner”;

16 (5) the poem led to the establishment of the
17 flag as an American icon and became the words of
18 the national anthem of the United States in 1932;
19 and

20 (6) it is in the national interest to provide for
21 appropriate commemorative activities to maximize
22 public understanding of the meaning of the War of
23 1812 in the history of the United States.

24 (b) PURPOSES.—The purposes of this Act are to—

25 (1) establish the Star-Spangled Banner and
26 War of 1812 Commemoration Commission;

1 (2) ensure a suitable national observance of the
2 War of 1812 by complementing, cooperating with,
3 and providing assistance to the programs and activi-
4 ties of the various States involved in the commemo-
5 ration;

6 (3) encourage War of 1812 observances that
7 provide an excellent visitor experience and beneficial
8 interaction between visitors and the natural and cul-
9 tural resources of the various War of 1812 sites;

10 (4) facilitate international involvement in the
11 War of 1812 observances;

12 (5) support and facilitate marketing efforts for
13 a commemorative coin, stamp, and related activities
14 for the War of 1812 observances; and

15 (6) promote the protection of War of 1812 re-
16 sources and assist in the appropriate development of
17 heritage tourism and economic benefits to the
18 United States.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **COMMEMORATION.**—The term “commemo-
22 ration” means the commemoration of the War of
23 1812.

1 (2) COMMISSION.—The term “Commission”
 2 means the Star-Spangled Banner and War of 1812
 3 Bicentennial Commission established in section 4(a).

4 (3) QUALIFIED CITIZEN.—The term “qualified
 5 citizen” means a citizen of the United States with
 6 an interest in, support for, and expertise appropriate
 7 to the commemoration.

8 (4) SECRETARY.—The term “Secretary” means
 9 the Secretary of the Interior.

10 (5) STATES.—The term “States”—

11 (A) means the States of Alabama, Con-
 12 necticut, Delaware, Florida, Georgia, Illinois,
 13 Indiana, Iowa, Kentucky, Louisiana, Maine,
 14 Maryland, Massachusetts, Michigan, Mis-
 15 sissippi, Missouri, New Hampshire, New Jer-
 16 sey, New York, North Carolina, Ohio, Pennsyl-
 17 vania, Rhode Island, South Carolina, Ten-
 18 nessee, Vermont, Virginia, and Wisconsin; and

19 (B) includes agencies and entities of each
 20 State.

21 **SEC. 4. STAR-SPANGLED BANNER AND WAR OF 1812 COM-**
 22 **MEMORATION COMMISSION.**

23 (a) IN GENERAL.—There is established a commission
 24 to be known as the “Star-Spangled Banner and War of
 25 1812 Bicentennial Commission”.

1 (b) MEMBERSHIP.—

2 (1) IN GENERAL.—The Commission shall be
3 composed of 42 members, of whom—

4 (A) 28 members shall be qualified citizens
5 appointed by the Secretary after consideration
6 of nominations submitted by the Governors of
7 the States;

8 (B) 3 members shall be qualified citizens
9 appointed by the Secretary after consideration
10 of nominations submitted by the Mayors of the
11 District of Columbia, the City of Baltimore, and
12 the City of New Orleans;

13 (C) 2 members shall be employees of the
14 National Park Service, of whom—

15 (i) 1 shall be the Director of the Na-
16 tional Park Service (or a designee); and

17 (ii) 1 shall be an employee of the Na-
18 tional Park Service having experience rel-
19 evant to the commemoration;

20 (D) 8 members shall be qualified citizens
21 appointed by the Secretary, of whom—

22 (i) 2 shall be recommended by the
23 majority leader of the Senate;

24 (ii) 2 shall be recommended by the
25 minority leader of the Senate;

1 (iii) 2 shall be recommended by the
 2 majority leader of the House of Represent-
 3 atives; and

4 (iv) 2 shall be recommended by the
 5 minority leader of the House of Represent-
 6 atives; and

7 (E) 1 member shall be appointed by the
 8 Secretary from among individuals with exper-
 9 tise in the history of the War of 1812.

10 (2) DATE OF APPOINTMENTS.—The appoint-
 11 ment of a member of the Commission shall be made
 12 not later than 120 days after the date of enactment
 13 of this Act.

14 (c) TERM; VACANCIES.—

15 (1) TERM.—A member shall be appointed for
 16 the life of the Commission.

17 (2) VACANCIES.—A vacancy on the
 18 Commission—

19 (A) shall not affect the powers of the Com-
 20 mission; and

21 (B) shall be filled in the same manner as
 22 the original appointment was made.

23 (d) VOTING.—

1 (1) IN GENERAL.—The Commission shall act
2 only on an affirmative vote of a majority of the
3 members of the Commission.

4 (2) QUORUM.—A majority of the members of
5 the Commission shall constitute a quorum.

6 (e) CHAIRPERSON AND VICE CHAIRPERSON.—

7 (1) SELECTION.—The Commission shall select
8 a chairperson and a vice chairperson from among
9 the members of the Commission.

10 (2) ABSENCE OF CHAIRPERSON.—The vice
11 chairperson shall act as chairperson in the absence
12 of the chairperson.

13 (f) INITIAL MEETING.—Not later than 60 days after
14 the date on which all members of the Commission have
15 been appointed, the Commission shall hold the initial
16 meeting of the Commission.

17 (g) MEETINGS.—Not less than twice a year, the Com-
18 mission shall meet at the call of the chairperson or a ma-
19 jority of the members of the Commission.

20 **SEC. 5. DUTIES.**

21 (a) IN GENERAL.—The Commission shall—

22 (1) plan, encourage, develop, execute, and co-
23 ordinate programs, observances, and activities com-
24 memorating the historic events that preceded and
25 are associated with the War of 1812;

1 (2) facilitate the commemoration throughout
2 the United States and internationally;

3 (3) coordinate the activities of the Commission
4 with State commemoration commissions, the Na-
5 tional Park Service, the Department of Defense, and
6 other appropriate Federal agencies;

7 (4) encourage civic, patriotic, historical, edu-
8 cational, religious, economic, tourism, and other or-
9 ganizations throughout the United States to orga-
10 nize and participate in the commemoration to ex-
11 pand the understanding and appreciation of the sig-
12 nificance of the War of 1812;

13 (5) provide technical assistance to States, local-
14 ities, units of the National Park System and non-
15 profit organizations to further the commemoration
16 and commemorative events;

17 (6) coordinate and facilitate scholarly research
18 on, publication about, and interpretation of the peo-
19 ple and events associated with the War of 1812;

20 (7) design, develop, and provide for the mainte-
21 nance of an exhibit that will travel throughout the
22 United States during the commemoration period to
23 interpret events of the War of 1812 for the edu-
24 cational benefit of the citizens of the United States;

1 (8) ensure that War of 1812 commemorations
2 provide a lasting legacy and long-term public benefit
3 leading to protection of the natural and cultural re-
4 sources associated with the War of 1812; and

5 (9) examine and review essential facilities and
6 infrastructure at War of 1812 sites and enable nec-
7 essary improvements to enhance and maximize vis-
8 itor experience at the sites.

9 (b) STRATEGIC PLAN; ANNUAL PERFORMANCE
10 PLANS.—The Commission shall prepare a strategic plan
11 and annual performance plans for any activity carried out
12 by the Commission under this Act.

13 (c) REPORTS.—

14 (1) ANNUAL REPORT.—The Commission shall
15 submit to Congress an annual report that contains
16 a list of each gift, bequest, or devise to the Commis-
17 sion or a member of the Commission with a value
18 of more than \$250, together with the identity of the
19 donor of each gift, bequest, or devise.

20 (2) FINAL REPORT.—Not later than September
21 30, 2015, the Commission shall submit to the Sec-
22 retary and Congress a final report that includes—

23 (A) a summary of the activities of the
24 Commission;

1 (B) a final accounting of any funds re-
2 ceived or expended by the Commission; and

3 (C) the final disposition of any historically
4 significant items acquired by the Commission
5 and other properties not previously reported.

6 **SEC. 6. POWERS.**

7 (a) IN GENERAL.—The Commission may—

8 (1) solicit, accept, use, and dispose of gifts or
9 donations of money, services, and real and personal
10 property related to the commemoration;

11 (2) appoint such advisory committees as the
12 Commission determines to be necessary to carry out
13 this Act;

14 (3) authorize any member or employee of the
15 Commission to take any action the Commission is
16 authorized to take under this Act;

17 (4) use the United States mails in the same
18 manner and under the same conditions as other
19 agencies of the Federal Government; and

20 (5) make grants to communities, nonprofit,
21 commemorative commissions or organizations, and
22 research and scholarly organizations to develop pro-
23 grams and products to assist in researching, pub-
24 lishing, marketing, and distributing information re-
25 lating to the commemoration.

1 (b) LEGAL AGREEMENTS.—

2 (1) IN GENERAL.—In carrying out this Act, the
3 Commission may—

4 (A) procure supplies, services, and prop-
5 erty; and

6 (B) make or enter into contracts, leases, or
7 other legal agreements.

8 (2) LENGTH.—Any contract, lease, or other
9 legal agreement made or entered into by the Com-
10 mission shall not extend beyond the date of termi-
11 nation of the Commission

12 (c) INFORMATION FROM FEDERAL AGENCIES.—

13 (1) IN GENERAL.—The Commission may secure
14 directly from a Federal agency such information as
15 the Commission considers necessary to be to carry
16 out this Act.

17 (2) PROVISION OF INFORMATION.—On request
18 of the Chairperson of the Commission, the head of
19 the agency shall provide the information to the Com-
20 mission.

21 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

22 (a) COMPENSATION OF MEMBERS OF THE COMMIS-
23 SION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), a member of the Commission shall serve
3 without compensation.

4 (2) FEDERAL EMPLOYEES.—A member of the
5 Commission who is an officer or employee of the
6 Federal Government shall serve without compensa-
7 tion in addition to the compensation received for the
8 services of the member as an officer or employee of
9 the Federal Government.

10 (3) TRAVEL EXPENSES.—A member of the
11 Commission shall be allowed travel expenses, includ-
12 ing per diem in lieu of subsistence, at rates author-
13 ized for an employee of an agency under subchapter
14 I of chapter 57 of title 5, United States Code, while
15 away from the home or regular place of business of
16 the member in the performance of the duties of the
17 Commission.

18 (b) STAFF.—

19 (1) IN GENERAL.—The Chairperson of the
20 Commission may, without regard to the civil service
21 laws (including regulations), appoint and terminate
22 an executive director and such other additional per-
23 sonnel as are necessary to enable the Commission to
24 perform the duties of the Commission.

1 (2) CONFIRMATION OF EXECUTIVE DIREC-
 2 TOR.—The employment of an executive director shall
 3 be subject to confirmation by the Commission.

4 (3) COMPENSATION.—

5 (A) IN GENERAL.—Except as provided in
 6 subparagraph (B), the Chairperson of the Com-
 7 mission may fix the compensation of the execu-
 8 tive director and other personnel without regard
 9 to the provisions of chapter 51 and subchapter
 10 III of chapter 53 of title 5, United States Code,
 11 relating to classification of positions and Gen-
 12 eral Schedule pay rates.

13 (B) MAXIMUM RATE OF PAY.—The rate of
 14 pay for the executive director and other per-
 15 sonnel shall not exceed the rate payable for
 16 level V of the Executive Schedule under section
 17 5316 of title 5, United States Code.

18 (c) DETAIL OF GOVERNMENT EMPLOYEE.—

19 (1) FEDERAL EMPLOYEES.—

20 (A) IN GENERAL.—At the request of the
 21 Commission, the head of any Federal agency
 22 may detail, on a reimbursable or nonreimburs-
 23 able basis, any of the personnel of the agency
 24 to the Commission to assist the Commission in

1 carrying out the duties of the Commission
2 under this Act.

3 (B) CIVIL SERVICE STATUS.—The detail of
4 an employee under subparagraph (A) shall be
5 without interruption or loss of civil service sta-
6 tus or privilege.

7 (2) STATE EMPLOYEES.—The Commission
8 may—

9 (A) accept the services of personnel de-
10 tailed from States (including subdivisions of
11 States); and

12 (B) reimburse States for services of de-
13 tailed personnel.

14 (3) VOLUNTEER AND UNCOMPENSATED SERV-
15 ICES.—Notwithstanding section 1342 of title 31,
16 United States Code, the Commission may accept and
17 use such voluntary and uncompensated services as
18 the Commission determines necessary.

19 (4) SUPPORT SERVICES.—The Director of the
20 National Park Service shall provide to the Commis-
21 sion, on a reimbursable basis, such administrative
22 support services as the Commission may request.

23 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
24 TENT SERVICES.—The Chairperson of the Commission
25 may procure temporary and intermittent services in ac-

1 cordance with section 3109(b) of title 5, United States
 2 Code, at rates for individuals that do not exceed the daily
 3 equivalent of the annual rate of basic pay prescribed for
 4 level V of the Executive Schedule under section 5316 of
 5 that title.

6 (e) **FACA NONAPPLICABILITY.**—The Federal Advi-
 7 sory Committee Act (5 U.S.C. App.) shall not apply to
 8 the Commission.

9 (f) **NO EFFECT ON AUTHORITY.**—Nothing in this
 10 section supersedes the authority of the States or the Na-
 11 tional Park Service concerning the commemoration.

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 (1) **IN GENERAL.**—There are authorized to be
 14 appropriated to carry out this Act such sums as are
 15 necessary for each of fiscal years 2006 through
 16 2015.

17 (2) **AVAILABILITY OF FUNDS.**—Amounts appro-
 18 priated under this section for any fiscal year shall
 19 remain available until December 31, 2015.

20 **SEC. 9. TERMINATION OF COMMISSION.**

21 (a) **IN GENERAL.**—The Commission shall terminate
 22 on December 31, 2015.

23 (b) **TRANSFER OF MATERIALS.**—Not later than the
 24 date of termination, the Commission shall transfer any
 25 documents, materials, books, manuscripts, miscellaneous

1 printed matter, memorabilia, relics, and exhibits, and any
2 materials donated to the Commission, that relate to the
3 War of 1812, to Fort McHenry National Monument and
4 Historic Shrine.

5 (c) DISPOSITION OF FUNDS.—Any funds held by the
6 Commission on the date of termination shall be deposited
7 in the general fund of the Treasury.

Passed the Senate December 16, 2005.

Attest:

Secretary.

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